WPSB NO. 316 OF 2003

Hon'ble P.C. Verma, A.C.J.
Hon. Irshad Hussain J.

Heard Sri U.K. Uniyal, learned counsel for the petitioner and Sri J.P.Joshi, learned counsel for the respnodent.

This writ petition has been filed by the petitioner seeking writ of certiorari quashing the order dated 21.04.2003 passed by the respondent no.1.

The impugned order of attachment has been passed in absence of the petitioner when he was on leave and authority who has passed the order i.e. the General Manager, Uttaranchal Jal Sansthan, Nainital is not competent to pass the order in view of the Circular letter da ted 28.5.2003 and 12.04.2001. Since the order is passed by the authority, who is not competent to pass the order, therefore, the order is non est. Accordingly, order dated 21.4.2003 passed by the respondent no.1 is hereby quashed. The petitioner shall be allowed to join on the post of Executive Engineer, Ranikhet.

The petition is disposed of accordingly.

(P.C. V., A.C.J.) (Irshad Hussain J.)

1.07.2003
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